

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SAM COSTANZA,

Plaintiff,

-v-

BREAKING NEWS NETWORK, INC.,

Defendant.  
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18-CV-10317 (JMF)

MEDIATION REFERRAL  
ORDER

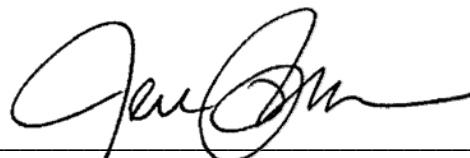
JESSE M. FURMAN, United States District Judge:

It is hereby ORDERED that this case, involving claims under the Copyright Act, 17 U.S.C. § 101 *et seq.*, is referred for mediation to the Court-annexed Mediation Program. The parties are hereby notified that Local Rule 83.9 shall govern the mediation and are directed to participate in the mediation in good faith. **The mediation should take place prior to the Initial Pretrial Conference, which is currently scheduled (by separate Order to be entered today) for February 14, 2019.** The mediation will have no effect upon any scheduling Order issued by this Court without leave of this Court. The Court specifically requests a mediator with expertise in copyright matters be assigned.

To facilitate prompt mediation, Plaintiff is hereby ORDERED to file proof of service no more than three days after service has been effected. Plaintiff is further ORDERED to produce to Defendant, **by the earlier of 14 days after service of process or three business days in advance of any mediation session**, (1) copies of records sufficient to show the royalty paid the last three times the picture at issue in this case was licensed and (2) the number of times the picture was licensed in the last five years.

SO ORDERED.

Dated: November 7, 2018  
New York, New York



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JESSE M. FURMAN  
United States District Judge